IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

Bail Appl..No. 6311 of 2007()

CRIME NO. 1002/07 OF KOLLAM EAST POLICE STATION

PETITIONER/ACCUSED

SAJEETH, AGED 32 YEARS, ASEEZ MANZIL,
ODAYAM, VARKALA P.O., VARKALA VILLAGE,
CHIRAYAN KEEZHU TALUK, THIRUVANANTHAPURAM DISTRICT

BY ADV. SRI.JAISON JOSEPH

RESPONDENTS/STATE & COMPLAINANT:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION, KOLLAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6311 of 2007

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Dated this the 17th day of October, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations in a crime registered under Section 406 I.P.C. The crime has been registered on the basis of a private complaint filed by the Manager of the Financial Institution (Bank). The petitioner had availed a loan for purchase of a motor vehicle. The crux of the allegations is that the petitioner, who purchased the vehicle utilising the said loan, is fraudulently dealing with the said vehicle. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner, subject to appropriate conditions.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 24.10.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 25.10.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 24.10.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 24.10.2007 as directed in clause (1) above, he shall be released on bail on his executing

a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 24.10.2007.

(R. BASANT)
Judge